

REMARKS

In the Office Communication, the Office states:

The reply filed on 20 October 2004 is not fully responsive to the prior Office Action because ... [n]one of the claims are drawn to the invention elected in the response of 02 July 2003 (fusion protein GCRDelta(5-195, 725-726)/ER. Applicant is also directed to paragraph 6 of the Office Action of 29 January 2003.

In response, Applicants first note that the July 2, 2003 response referred to by the Office appears to be Applicants' May 28, 2003 reply (received by the Office on June 2, 2003) to the January 29, 2003 Restriction Requirement. In the May 28th reply Applicants requested reconsideration of the January 29th Restriction Requirement and set forth arguments traversing this Requirement. In the next Office Action (mailed September 16, 2003), the Office, agreeing with Applicants, states (top of page 2):

In response to the traversal of 02 June 2003, the restriction requirement of 29 January 2003 is hereby vacated. (emphasis supplied)

Given that the Restriction Requirement was vacated, Applicants submit that the present claims are directed to the invention elected on July 13, 2001 (Group I, claims drawn to a fusion protein). Applicants' reply mailed on October 18, 2004 is therefore responsive to the final Office Action mailed on September 16, 2003, and Applicants respectfully request entry of the Amendments and Remarks made in connection with the Request for Continued Examination filed on October 18, 2004.

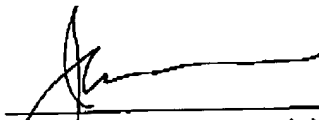
CONCLUSION

Applicants submit that the application is now in condition for allowance and this action is hereby respectfully requested.

As February 13, 2005 was a Sunday, Applicants submit that this Reply is being filed within one month of the January 13, 2005 mailing date of the Office Communication and that no extension fee is due. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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